

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6685

BILL NUMBER: HB 1104

DATE PREPARED: Jan 31, 2002

BILL AMENDED: Jan 30, 2002

SUBJECT: Local Government Matters.

FISCAL ANALYST: Valerie Ruda

PHONE NUMBER: 232-9867

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill specifies when a vacancy occurs on a town council. It allows the town council to determine whether a vacancy exists on the council. This bill also creates the Lincoln Way East Preservation Commission in Mishawaka.

Effective Date: July 1, 2002.

Explanation of State Expenditures: (Revised) See *Explanation of Local Expenditures*.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) This bill establishes the Lincoln Way East Preservation Commission (Commission) whose purpose would be to preserve an area lying south of South Brook Avenue and west of Capital Avenue in Mishawaka, Indiana. The Commission would consist of one owner from each property located within Lincoln Way East, and would not provide its members compensation.

The Commission would conduct hearings regarding matters filed by persons desiring consideration. This bill provides that no person, defined as a corporation, partnership, association, trust, governmental body or agency, or other public or private entity capable of entering into an enforceable contract, may construct, reconstruct, alter, or demolish property in Lincoln Way East unless granted permission by the Commission.

According to this bill, the Governor, Indiana Department of Transportation, and Department of Natural Resources are considered interested parties and are to be served notices for the Commission's hearings. An interested party may challenge a final determination of the Commission by filing a petition with the circuit or superior court of St. Joseph County, and the party could potentially be responsible for the Commission preparing its return.

If an action is brought against a person, as defined above, by an interested party and the person is ruled against in court, that person may be liable for the party's attorney's fees and court costs. The executive of Mishawaka and the Mishawaka Planning Department are also considered interested parties.

This bill also provides that all records filed with the Commission must be filed with the Planning Department. The Department would also be responsible for maintaining all of the Commission's records and providing them for public inspection. This could require additional administrative expenses.

Explanation of Local Revenues:

State Agencies Affected: Indiana Department of Transportation and Indiana Department of Natural Resources.

Local Agencies Affected: City of Mishawaka and Mishawaka Planning Department.

Information Sources: